

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-2, 4-5 and 9-13, drawn to a composition comprising a cyclic compound represented by formula (U) and at least one of a tautomeric structure or at least one of the recited complexes of the cyclic compound.

Group II: Claims 6-8 and 14, drawn to a composition comprising a cyclic compound represented by formula (I) or a metal complexes of the cyclic compounds or a complex of the cyclic compounds with a mineral acid.

Applicants provisionally elect Group I, Claims 1-2, 4-5 and 9-13 drawn to a composition comprising a cyclic compound represented by formula (U) and at least one of a tautomeric structure or at least one of the recited complexes of the cyclic compound with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the MPEP at §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully disagree with the Examiner that the Group I claims and the Group II claims lack unity of invention by virtue of the use of the word “or” in the first line of the preamble of Claim 6. From Applicants’ point of view, Groups I and II are connected by recitation of the compound represented by formula (I). In Claim 1 a composition is claimed which comprises a cyclic compound of formula (I) and at least one tautomeric structure thereof or at least one metal complex of the same or at least one complex

of the same with a mineral acid. Claim 6, on the other hand, recites the cyclic compound of formula (I) or a metal complex of the same or a complex of the same with a mineral acid. Thus, both claims and both groups contain the same alternatives linked by the word(s) "or." Therefore, the compound of formula (I) recited in both Claims 1 and 6 are linked as to form a single general inventive concept.

Applicants additionally elect as species the compound of Example 3, namely, 4,12 dimethylcyclo-2,4':2',7":2",4'''':2''',7-quaterbenzimidazole. If the search is to be expanded, the Examiner should next consider the compound of Example 4, namely, 4,8,12,16-tetramethylcyclo-2,4':2',4":2",4'''':2''',4-quaterbenzimidazole. The claims of Group I encompass the elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

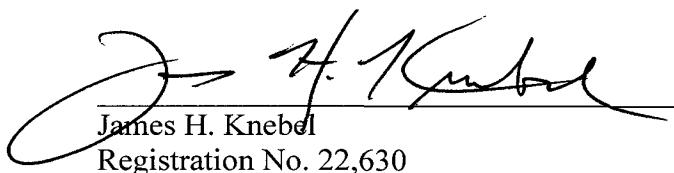
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



James H. Knebel
Registration No. 22,630